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JURY VERDICT RESEARCH SERIES

CURRENT AWARD TRENDS IN PERSONAL INJURY

1992 EDITION

FILING INSTRUCTIONS

To be filed in Volume 1 of the PERSONAL INJURY VALUATION HANDBOOKS behind the "CURRENT AWARD TRENDS" tab. This replaces Release No. 1.09.5 which should now be discarded. Also to be discarded are Release No. 1.11.3 "CURRENT LIABILITY TRENDS" and the corresponding index tab.

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1992 CURRENT AWARD TRENDS

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1992 CURRENT AWARD TRENDS

INTRODUCTION

The objective of the ***1992 Current Award Trends*** is to identify annual deviations in personal injury award size from 1961 to the present; report the personal injury verdict values for five representative injuries; report the number of million dollar awards reported to the JVR database since 1962; and analyze trends in medical malpractice and products liability.

In addition to trends in personal injury award size, this analysis also reports the plaintiff recovery probabilities for vehicular and nonvehicular liabilities and tracks the history of plaintiff recovery probabilities over the past twenty years.

DATA

Jury Verdict Research maintains a nationwide database of plaintiff and defense verdicts rendered for claims of personal injury. The data is reported, verified, tabulated, and analyzed to determine values, trends, and deviations in personal injury verdicts for this publication and other reports in the ***JVR Personal Injury Valuation Handbooks***.

The collection of this data is impartial with both plaintiff and defense verdicts included in the database, and the collection of the data is not restricted to extreme awards.

JVR is supplied with abstracts of personal injury verdicts on a continuing basis from every state and jurisdiction in the nation. Reports are furnished by court clerks, plaintiff and defense attorneys, law clerks, legal reporters, media, and law students.

JVR consistently audits the database and contacts all interested parties to verify all personal injury verdicts and to insure

complete accuracy of its data.

Only original, compensatory jury verdicts rendered to individual plaintiffs for claims of physical, mental, or emotional injury or trauma are included in the ***1992 Current Award Trends***. Awards for punitive damages, property loss, personal property loss, special damages, defense verdicts, additurs, remittiturs, posttrial settlements, interest, and appellate decisions were excluded from the verdicts used in the analysis of the five representative injuries, medical malpractice, and products liability.

Some 1991 verdicts have not been reported, verified or recorded in JVR's database at time of publication. Therefore, the 1991 data is provided only as a point of information.

1989-91 DISTRIBUTION OF PLAINTIFF VERDICTS

* 1991 Data is Incomplete

Verdict Range	1989	1990	1991 *
$1 - 9,999	17%	17%	16%
10,000 - 49,999	26%	26%	23%
50,000 - 99,999	12%	13%	14%
100,000 - 199,999	12%	12%	11%
200,000 - 399,999	11%	11%	12%
400,000 - 799,999	9%	8%	9%
800,000 - 999,999	2%	2%	2%
1,000,000 or more	11%	11%	13%

In 1990, 56 percent of all reported awards were less than $100,000. This is an increase of one percentage point from the number of 1989 verdicts in the same verdict range.

The percentage of awards below $10,000 has declined by four percentage points since 1988 and the frequency of awards of one million dollars or more has increased by three percentage points over the past three year period.

MIDPOINT, AVERAGE, MODE & RANGES

Midpoint verdicts, verdict averages, modes, probability ranges, and verdict ranges were identified for the total of all personal injury plaintiff verdicts reported to JVR's database for the most recent three year period.

VERDICT VALUES

* 1991 Data is Incomplete

	1989	1990	1991 *
Midpoint Verdict	$75,000	$70,000	$85,000
Verdict Average	514,339	563,440	659,503
Modal Value	50,000	100,000	50,000
Probability Range	56,250 112,500	52,500 87,500	63,750 106,250
Verdict Range	1 67,000,000	1 77,800,000	1 50,000,000

The midpoint verdict value in 1990 decreased by 6.7 percent from the previous year, and the 1990 verdict average increased by 9.5 percent.

The largest compensatory award reported to the JVR database in 1990 was $77,800,000 for a minor male who suffered severe brain damage after the defendant hospital administered an overdose of theophylline in its efforts to treat the plaintiff's viral infection.

The following table illustrates verdict values for nonvehicular and vehicular liabilities for 1989 and 1990.

1989-90 VERDICT VALUES

	1989	1990
Midpoint Verdict		
Nonvehicular	$ 140,000	$ 130,000
Vehicular	27,500	33,500
Verdict Average		
Nonvehicular	730,020	776,482
Vehicular	230,563	304,632
Modal Value		
Nonvehicular	50,000	100,000
Vehicular	10,000	10,000
Probability Range		
Nonvehicular	105,000	97,500
	241,141	162,500
Vehicular	20,625	25,125
	47,232	41,875
Verdict Range		
Nonvehicular	1	1
	67,000,000	77,800,000
Vehicular	1	1
	56,585,000	45,000,000

Claims involving nonvehicular liability accounted for 75.6 percent of the total sum of plaintiff verdicts analyzed in this report and represented 54.8 percent of the total number of plaintiff verdicts.

The midpoint verdict for nonvehicular liability situations decreased by 7.1 percent ($10,000) from 1989 to 1990. However, the verdict average increased 6.4 percent.

In nonvehicular liability cases, emotional distress, wrongful death, brain damage, severe fractures, and internal organ damage are the most frequently observed injuries.

The percentage of the total number of plaintiff verdicts for vehicular-related verdicts is currently 45.2 percent and 24.4 of the aggregate sum of the reported plaintiff verdicts.

The 1990 midpoint verdict value for vehicular accidents is $33,500, which is a 21.8 percent increase from the previous year.

The most common injuries sustained by plaintiffs involved in the vehicular accidents in this report were generally soft tissue injuries to the back, neck, legs, shoulders, or arms and minor damage to disc(s) or any of the vertebra.

ANNUAL DEVIATION IN AWARD SIZE

The annual deviation in award size measures the percentage by which the size of personal injury verdicts have increased annually. The deviation is cumulative to insure that large or small verdicts in a given year do not skew the analysis.

ANNUAL DEVIATION IN AWARD SIZE

* 1991 Data is Incomplete

Year	Deviation	Year	Deviation
1961	3.20%	1977	4.43%
1962	3.25%	1978	8.64%
1963	3.89%	1979	4.82%
1964	4.35%	1980	5.17%
1965	4.38%	1981	5.76%
1966	4.15%	1982	6.04%
1967	3.98%	1983	5.64%
1968	3.86%	1984	5.96%
1969	3.76%	1985	6.16%
1970	3.69%	1986	6.44%
1971	3.64%	1987	6.27%
1972	3.59%	1988	6.86%
1973	3.58%	1989	8.17%
1974	3.65%	1990	7.67%
1975	3.73%	1991*	8.12%
1976	4.12%		

The rate of increase in the size of personal injury awards from 1960 to the present year currently averages 7.67 percent.

C.P.I., HEALTH CARE COSTS & VERDICT SIZE

Jury Verdict Research has consistently shown a correlation between the size of a personal injury verdict and the amount of to-date medical expense and wage loss incurred by the plaintiff..

As health care costs and the cost of living increase, verdicts can also be expected to increase.

Analysis reveals that health care costs, the cost of living, and verdict size continue to increase each year, although the rate of increase may be less for a given year than for a previous year(s).

An increase in verdict value typically follows a year or more after an increase in health care costs and the cost of living.

This is illustrated by drawing a line from the verdict size percentage for one year to the health care and Consumer Price Index percentages for the year when the accident occurred -- typically two to five years prior to the date of the verdict.

The annual ***Health Care Financing Review*** published by the U.S. Department of Health and Human Services reports that total expenditures for personal health care increased by 10.9 percent from 1989 to 1990.

The United States Bureau of Labor Statistics reports that the Consumer Price Index (CPI) increased 5.4 percent from 1989 to 1990. The GAO reported an increase of 4.8 in the previous year.

From 1989 to 1990, verdict size increased by an average of 9.5 percent.

The following table outlines the percent of change in the Consumer Price Index, national health care costs, and personal injury verdict size annually from 1981 through 1990.

C.P.I., HEALTH CARE COSTS & VERDICT SIZE

Year	C.P.I.	Health Care	Verdict Size
1981	+ 10.3%	+ 15.9%	+ 15.3%
1982	+ 6.2%	+ 12.2%	+ 15.4%
1983	+ 3.2%	+ 10.0%	+ 15.0%
1984	+ 4.3%	+ 8.7%	+ 11.4%
1985	+ 3.6%	+ 8.5%	+ 10.2%
1986	+ 1.9%	+ 7.2%	+ 11.7%
1987	+ 3.6%	+ 8.6%	+ 9.4%
1988	+ 4.1%	+ 10.5%	+ 8.2%
1989	+ 4.8%	+ 10.4%	+ 8.2%
1990	+ 5.4%	+ 10.5%	+ 9.5%

VERDICT TRENDS IDENTIFIED BY INJURY

Compensatory awards for five representative injuries - cervical strain, knee injury, vertebra fracture, wrongful death of adult male, and paraplegia - were analyzed in this report. These verdicts included only original, compensatory verdicts rendered by juries to a single plaintiff for personal injury. Punitive damages, loss of consortium/services, property damages, special damages, additurs, remittiturs, post-trial settlements, prejudgment interest, and appellate decisions were excluded from the analysis.

A midpoint verdict, verdict average, probability range and verdict range are reported for each of the five injuries.

Additional information for the size of personal injury awards for 80 other injuries is reported in Volumes 1, 1A, 1B, 2, 2A, and 2B of the ***JVR Personal Injury Valuation Handbooks*** and in the single volume ***JVR Case Evaluator's Manual***.

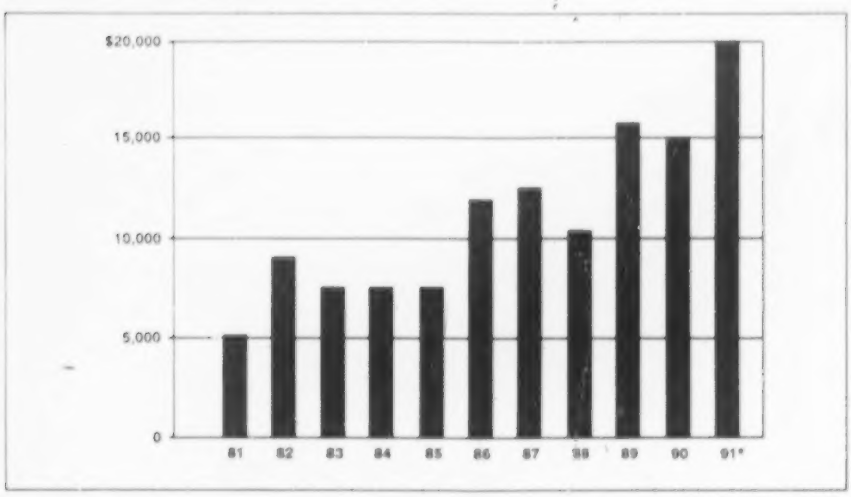
CERVICAL STRAIN

The analysis of cervical strains included only verdicts for strains, sprains, flexion, extension, and/or soft-tissue injuries to the cervical spine region of the back. Verdicts involving fracture, spinal nerve damage, and injury to other areas of the neck were excluded from the analysis.

The midpoint verdict value for cervical strain decreased by 5.1 percent from 1989 to 1990, and the verdict average for cervical strain in 1990 is $49,206, which is an increase of 6.3 percent from 1989.

The following graph identifies a midpoint verdict, verdict average, probability range and verdict range for cervical strain from 1981 to the present.

Midpoint Verdicts for Cervical Strain



CERVICAL STRAIN
Annual Verdict Values
* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 5,065	$ 3,799 7,598	$ 100 300,000	$ 13,606
1982	9,000	6,750 13,500	50 400,000	21,929
1983	7,500	5,625 11,250	125 477,000	19,923
1984	7,500	5,625 11,250	253 100,000	14,614
1985	7,500	5,625 11,250	100 500,000	22,591
1986	12,000	9,000 18,000	100 750,000	59,581
1987	12,504	9,378 18,756	70 825,000	31,487
1988	10,300	7,725 15,450	10 800,000	39,754
1989	15,805	11,888 23,776	100 820,000	46,311
1990	15,000	11,250 18,750	75 1,400,000	49,206
1991*	20,000	15,000 25,000	300 247,999	42,157

KNEE INJURY

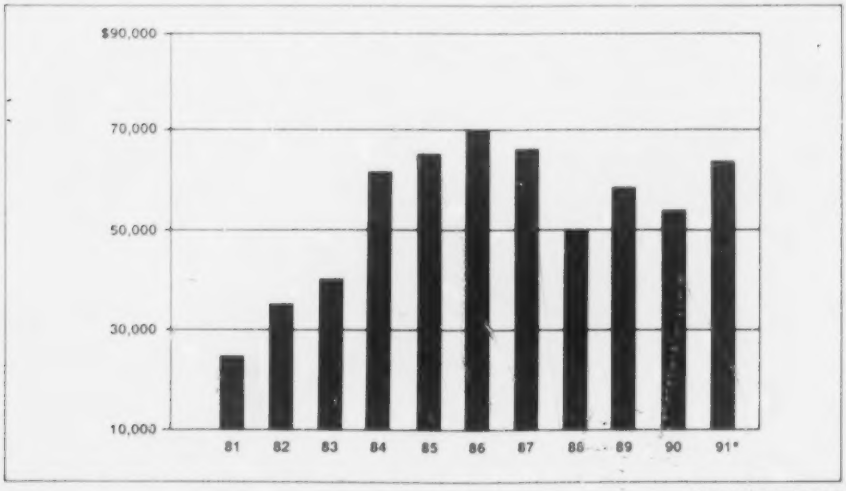
This section reports the verdict values for knee injuries from 1981 to the present. Only verdicts involving fractures, soft tissue damage, cartilage and/or ligament damage, contusions, abrasions, lacerations, bruises, strains, or sprains of one knee were included in the analysis. Knee injuries involving fractures of both knees, a patellectomy affecting one or both knees, leg fracture(s), and nerve damage were excluded.

Both the midpoint verdict value and the verdict average for a knee injury decreased in 1990 from the previous year. The midpoint value was 7.1 percent less than the 1989 value. The 1990 verdict average was a 4.6 percent reduction from the 1989 verdict average.

The largest decrease in the midpoint verdict value was observed in 1988 when the figure dropped 24.6 percent from $66,301 to $50,000.

The following graph illustrates the midpoint verdicts for knee injuries identified from 1981 to 1991.

Midpoint Verdicts for Knee Injuries



* 1991 DATA IS INCOMPLETE

KNEE INJURY
Annual Verdict Values
* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 25,000	$ 18,750 37,500	$ 452 761,447	$ 91,670
1982	34,878	26,159 52,317	888 1,500,000	98,186
1983	40,000	30,000 60,000	327 1,000,000	100,000
1984	61,924	46,443 92,886	500 784,600	128,290
1985	65,000	48,750 97,500	200 1,746,431	167,364
1986	70,000	52,500 105,000	4,000 1,900,375	171,385
1987	66,301	47,925 98,481	1 1,500,000	148,592
1988	50,000	37,500 75,000	20 2,366,000	148,113
1989	58,350	43,763 87,526	40 1,562,000	162,024
1990	54,225	40,669 67,781	131 2,592,500	154,562
1991*	64,121	48,091 80,151	277 1,500,000	189,184

VERTEBRA FRACTURE

This analysis included personal injury claims that involved compression fracture(s) of any of the 33 vertebra or bony segments of the spinal column from the cervical region to the sacral region of the back.

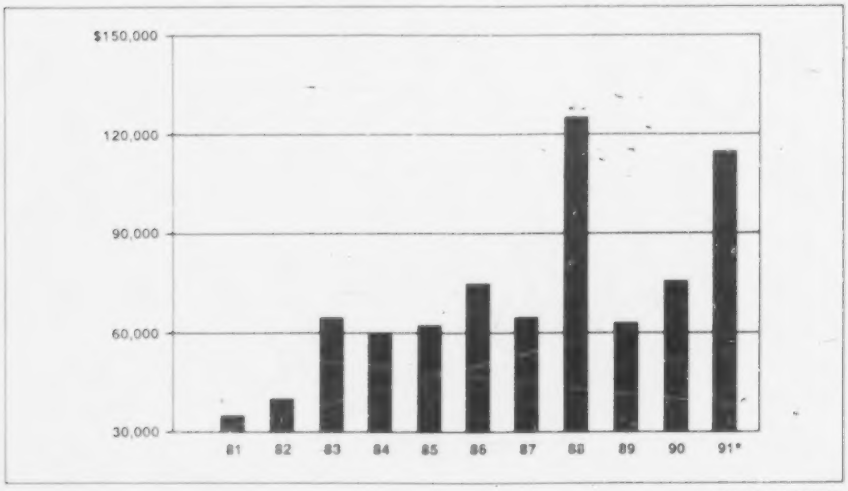
Claims involving vertebra fractures accounted for 1.7 percent of all the plaintiff verdicts in 1990.

The midpoint verdict value increased 73.2 percent and the verdict average for vertebra fracture claims increased 264.6 percent from 1980 to 1990.

The current midpoint verdict value of $75,339 is 18.6 percent greater than the value posted in 1989. This increase in midpoint verdict value from 1989 to 1990 is the largest among the five representative injuries in this report.

The following graph illustrates the midpoint verdicts reported for vertebra fractures from 1981 to 1991.

Midpoint Verdicts for Vertebra Fracture



* 1991 DATA IS INCOMPLETE

VERTEBRA FRACTURE

Annual Verdict Values

* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 35,000	$ 26,250 52,500	$ 1,000 2,000,000	$211,685
1982	40,000	30,000 60,000	500 930,000	131,193
1983	65,000	48,750 97,500	600 1,500,000	174,740
1984	60,000	45,000 90,000	603 583,000	114,791
1985	63,000	47,250 94,500	1,686 1,000,000	134,793
1986	75,000	56,250 112,500	30,000 1,172,000	155,165
1987	65,000	48,750 97,500	1 2,300,000	172,424
1988	125,000	93,750 187,500	182 2,982,000	258,827
1989	63,500	47,625 92,250	359 2,525,000	213,679
1990	75,339	56,504 94,174	250 7,000,000	287,829
1991*	115,000	86,250 143,750	9,100 1,420,000	259,061

WRONGFUL DEATH OF ADULT MALES

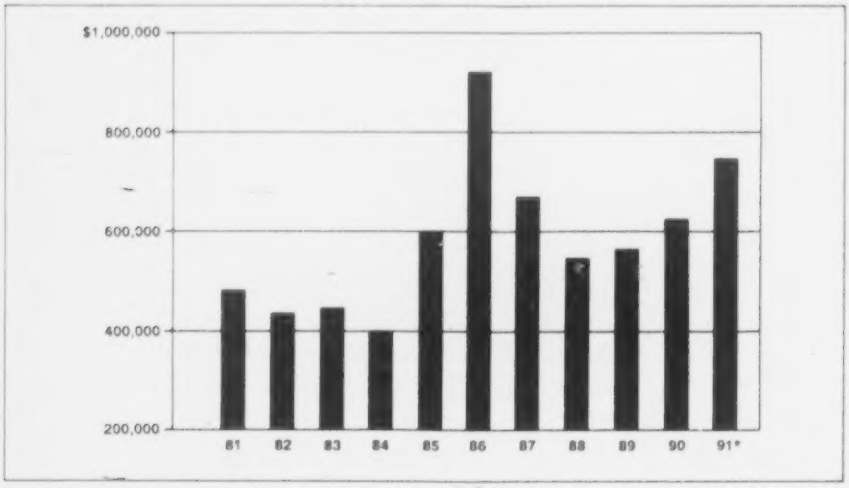
Only compensatory damages for the death of a single or married male over the age of 18 are included in this section. Punitive damages, future wage loss, loss of consortium/services, and other special damages are excluded.

The midpoint verdict value of $925,000 and the verdict average of $1,329,154 in 1986 are the largest reported values to date for wrongful death of adult males.

The 1990 midpoint verdict value is 27.8 percent larger than the 1981 midpoint value and increased 9.7 percent or $55,275 from 1989.

The following graph illustrates the midpoint verdicts for the wrongful death of adult males identified from 1981 to 1991.

Midpoint Verdicts for Wrongful Death of Adult Males



* 1991 DATA IS INCOMPLETE

WRONGFUL DEATH OF ADULT MALES

Annual Verdict Values

* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 487,000	$ 365,250 730,500	$ 8,000 5,750,000	$ 758,585
1982	419,685	314,763 629,528	6,000 7,100,000	728,585
1983	425,000	318,750 637,500	3,000 10,000,000	696,130
1984	400,000	300,000 600,000	6,000 4,150,000	587,319
1985	600,000	450,000 900,000	6,000 8,000,000	1,093,952
1986	925,000	693,750 1,387,500	5,000 7,750,000	1,329,154
1987	672,000	358,125 716,250	3,000 13,000,000	949,374
1988	550,000	412,500 825,000	1,248 8,900,000	1,000,662
1989	566,941	425,206 850,412	2,006 11,200,000	959,613
1990	622,216	466,662 777,770	4,500 20,000,000	1,254,987
1991*	754,000	565,500 942,500	5,000 13,000,000	1,287,868

PARAPLEGIA

The fifth injury analyzed in this report is paraplegia. It includes verdicts involving the temporary or permanent loss of function, sensation, or motion of the lower extremities as a result of spinal cord damage.

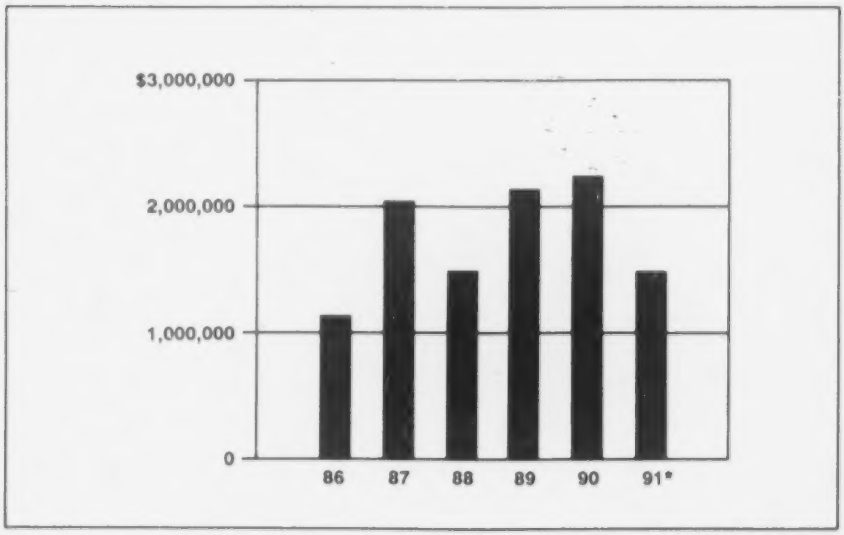
Personal injury awards of quadriplegia and brain damage are not included in the analysis.

Only .6 percent of the total number of reported plaintiff verdicts in 1990 involved paraplegia as the sole or principal injury.

The midpoint verdict value of $2,250,000 reported for 1990 is the highest value to-date and is 1.4 percent greater than the 1989 value.

The following graph illustrates the midpoint verdicts for paraplegia identified from 1986 to 1991.

Midpoint Verdicts for Paraplegia



* 1991 DATA IS INCOMPLETE

PARAPLEGIA
Annual Verdict Values
* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1986	$1,163,975	$872,981 1,745,963	$57,254 9,500,000	$2,669,183
1987	2,036,004	1,527,003 3,054,006	1 15,336,233	3,147,132
1988	1,500,000	1,125,000 2,250,000	4,000 40,000,000	4,262,035
1989	2,220,000	1,665,000 3,330,000	235,000 10,000,000	3,093,345
1990	2,250,000	1,687,500 2,812,500	1,089 14,425,000	3,326,280
1991*	1,500,000	1,125,000 1,875,000	162,000 28,087,006	5,779,318

MILLION DOLLAR VERDICTS

The total number of million dollar verdicts reported from 1962 to the present is tabulated and reported in this section.

A million dollar award includes any original award for a single plaintiff in a single case and excludes appellate decisions and awards that are solely for property and/or personal property loss. A million dollar award may include compensatory damages, punitive damages, loss of consortium and/or services, and prejudgment interest.

MILLION DOLLAR VERDICTS: 1962 - 1991

* 1991 Data is Incomplete

Year	Total	Cumulative
1962	1	1
1963	2	3
1964	1	4
1965	3	7
1966	1	8
1967	3	11
1968	3	14
1969	3	17
1970	7	24
1971	13	37
1972	22	59
1973	18	77
1974	22	99
1975	26	125
1976	44	169
1977	69	238
1978	68	306
1979	100	406
1980	127	533
1981	238	771

Year	Total	Cumulative
1982	280	1,051
1983	366	1,417
1984	415	1,832
1985	590	2,422
1986	410	2,832
1987	428	3,260
1988	481	3,741
1989	588	4,329
1990	703	5,032
1991 *	288	5,320

A review of the total number of million dollar verdicts reveals that 41 percent of all million dollar verdicts were from the states of New York, California, and Florida. The 10 highest ranked states account for 70 percent of the total verdicts rendered.

State	Total	% of 5,320
New York	890	16.7%
California	719	13.5%
Florida	577	10.8%
Texas	413	7.8%
Illinois	259	4.9%
Michigan	251	4.7%
Pennsylvania	208	3.9%
Missouri	170	3.2%
Ohio	137	2.6%
New Jersey	121	2.3%

MILLION DOLLAR VERDICTS REPORTED BY STATE

The total number of reported million dollar verdicts for each state and the District of Columbia between 1962 and 1991 is identified and ranked in the following table. Because of the publication schedule of this report, the 1991 data is incomplete.

Rank	State	No.	Rank	State	No.
1	New York	890	19	Virginia	59
2	California	719	19	Wisconsin	59
3	Florida	577	21	Oklahoma	55
4	Texas	413	22	Kentucky	53
5	Illinois	259	23	Colorado	50
6	Michigan	251	23	Maryland	50
7	Pennsylvania	208	25	Kansas	45
8	Missouri	170	26	Indiana	44
9	Ohio	137	27	Connecticut	41
10	New Jersey	121	28	Oregon	40
11	Massachusetts	107	29	North Carolina	39
12	Georgia	93	30	Arkansas	36
13	Alabama	89	30	Tennessee	36
14	Arizona	85	32	Iowa	34
15	Washington	74	33	West Virginia	30
16	Louisiana	68	34	Hawaii	29
17	Minnesota	61	35	Mississippi	26
18	D.C.	60	35	Nevada	26

Rank	State	No.	Rank	State	No.
37	New Mexico	23	44	Utah	12
38	Alaska	19	46	Idaho	10
39	South Carolina	18	47	Maine	9
40	Delaware	15	47	New Hampshire	9
40	Rhode Island	15	49	Wyoming	8
42	Montana	14	50	South Dakota	7
43	Nebraska	13	51	Vermont	2
44	North Dakota	12			

MILLION DOLLAR VERDICTS REPORTED BY LIABILITY

The following table identifies the total number of million dollar awards for 18 nonvehicular liabilities from 1962 to the present.

Nonvehicular	Total	Rank
Aircraft	151	9
Bad Faith	101	11
Dramshop	41	15
False Arrest	40	16
Government Negligence	361	5
Intentional Tort	177	8
Libel & Slander	61	13
Medical Malpractice	1,032	1
Negligent Supervision	38	17
Professional & Occupational Negligence	582	3
Premises & Occupier	342	6
Products Liability	1,013	2
Railroad	211	7
Shipping	49	14
Sports	29	18
Utilities	103	10
Work-Related	539	4
Wrongful Termination	74	12

The following table illustrates the distribution of million dollar awards for four vehicular-related liabilities and all other vehicular accidents.

Vehicular	Total	Rank
Bicycle & Vehicle	33	5
Common Carriers	52	4
Motorcycle & Vehicle	75	3
Pedestrian Accidents	181	2
Other Vehicular Accidents	627	1

MILLION DOLLAR VERDICTS REPORTED BY INJURY

The following table illustrates the distribution of million dollar awards for 30 common injuries from 1962 to the present.

Injury	Total	Rank
Abdomen	32	23
AIDS	49	17
Amputation	367	4
Arm Injury	72	12
Asbestosis	44	20
Back Injury	57	14
Brain Damage	836	2
Burns	184	9
Cancer	47	18

Injury	Total	Rank
Death	1,218	1
Disc	102	10
Ear	17	30
Emotional Distress	471	3
Eye	100	11
Face & Head	51	16
Facial Nerve	25	26
Genitalia	42	21
Gunshot	30	24
Heart	20	28
Kidney & Bladder	20	28
Leg Injury	227	8
Lung	23	27
Multiple Injuries	263	7
Paraplegia	287	6
Pelvis & Hip	57	14
Quadriplegia	312	5
Rape/Sexual Assault	46	19
Spinal Nerve	35	22
Throat & Mouth	27	25
Vertebra Fracture	58	13

SIGNIFICANT 1990 MILLION DOLLAR VERDICTS

$ 28,700,000 A male infant acquired the AIDS virus after he received a blood transfusion after childbirth. The defendant blood bank provided the blood to the hospital and the hospital assured the parents of the child that the blood was properly tested.

$ 39,400,000 An 84-year-old woman died after her bed restraints entangled and caused her to suffocate at the defendant nursing home.

$ 44,679,350 A California jury awarded a seven-year-old male damages for permanent brain damage that resulted in complete quadriplegia after a near drowning at the home of the defendant.

$ 45,000,000 A 42-year-old woman in Missouri suffered severe brain damage during a multiple vehicle collision.

$ 51,752,000 A 14-year-old male was killed as a passenger in a head-on collision. The defendant was the driver of the other vehicle. He was convicted for manslaughter and driving while intoxicated. The award included $13,000,000 in punitive damages.

$ 77,800,000 A minor male suffered severe brain damage after the defendant hospital administered an overdose of theophylline and an antidote drug for a viral infection.

MEDICAL MALPRACTICE VERDICT VALUES

Verdicts for malpractice against a doctor(s) and/or hospital(s) for claims of physical, emotional or mental injury were analyzed and reported in this section.

Medical malpractice cases represented 6.9 percent of all reported plaintiff verdicts in 1990.

The probability of plaintiff recovery for medical malpractice currently averages 46 percent, which is 12 percentage points (20.7 percent) below the national norm for plaintiff recovery in all liability situations.

The midpoint verdict value for medical malpractice is currently $450,000. This is an increase of 28.6 percent from the previous year.

The verdict average in 1990 increased by 59 percent from the 1989 value.

The following table illustrates the verdict values for medical malpractice from 1981 to the present.

MEDICAL MALPRACTICE VERDICT VALUES

* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 300,000	$ 225,000 450,000	$ 3,500 10,000,000	$ 850,396
1982	200,000	150,000 300,000	531 29,000,000	962,258
1983	260,476	195,357 390,714	1,500 25,008,000	887,938
1984	200,000	150,000 300,000	1,000 27,599,953	640,619
1985	400,000	300,000 600,000	5,000 12,654,686	1,179,095
1986	355,000	266,250 532,500	1,000 15,787,555	1,216,195
1987	318,000	238,500 477,000	340 30,000,000	911,413
1988	348,604	261,453 522,906	1 26,000,000	1,103,924
1989	350,000	262,500 525,000	88 54,791,243	1,109,660
1990	450,000	337,500 562,500	500 77,800,000	1,763,876
1991*	575,000	431,250 718,750	3,026 21,000,000	1,821,055

MEDICAL MALPRACTICE VERDICTS & RATIOS

The total number of plaintiff verdicts, the number of million dollar verdicts and the ratio between the two factors for medical malpractice from 1981 to the present are identified.

The following table reports the total number of verdicts, the number of million dollar awards, and the ratio between the two factors from 1981 through 1991.

MEDICAL MALPRACTICE VERDICTS & RATIOS

* 1991 Data is Incomplete

Year	Total Verdicts	Million $ Verdicts	% of Total
1981	197	49	24.8%
1982	252	51	20.2%
1983	341	77	22.6%
1984	369	82	22.2%
1985	272	107	39.3%
1986	299	87	29.1%
1987	367	81	22.1%
1988	360	97	26.9%
1989	423	107	25.3%
1990	343	124	36.2%
1991*	147	58	39.5%
Total	**3,370**	**920**	**27.3%**

DOCTOR, HOSPITAL & DOCTOR/HOSPITAL VERDICTS

A midpoint verdict, verdict average, and total number of verdicts for claims involving medical malpractice with doctors as sole defendant, hospitals as sole defendant, and both doctor and hospital co-defendants are reported from 1988 to 1990.

DOCTORS AS DEFENDANTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	183	284,000	730,575
1989	216	330,000	815,906
1990	182	375,000	1,105,257

HOSPITALS AS DEFENDANTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	87	700,000	1,497,037
1989	77	350,000	1,836,429
1990	62	271,084	1,761,838

DOCTOR & HOSPITAL AS CO-DEFENDANTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	90	350,604	1,483,060
1989	130	400,000	1,167,273
1990	99	747,000	2,975,945

PRODUCTS LIABILITY VERDICT VALUES

This section includes an analysis of compensatory awards for claims against manufacturers, distributors, or makers of products that resulted in physical, emotional, or mental injury to an individual plaintiff.

Of the 4,990 plaintiff verdicts analyzed for this report, 320 verdicts (6.4 percent) were claims against manufacturers, producers, or distributors of faulty or defective products.

A plaintiff's chance for recovery in a products liability claim, regardless of an assertion of strict or absolute liability, is currently 55 percent. This figure is three percentage points (5.2 percent) below the national norm for plaintiff recovery in all liability situations (58 percent).

However, because of the seriousness of the injuries and the plaintiff's medical expenses and/or wage loss to-date, the award size for a products-related claim is typically larger than awards for similar injuries in other liability situations.

The most common injuries for claims of products liability are wrongful death, brain damage, and spinal cord injuries.

The midpoint verdict value for products liability is currently $300,000, which is a decrease of 25 percent from the 1989.

The verdict average in 1990 increased 3.5 percent from 1989.

PRODUCTS LIABILITY VERDICT VALUES

* 1991 Data is Incomplete

Year	Midpoint Verdict	Probability Range	Verdict Range	Verdict Average
1981	$ 340,000	$ 250,000 510,000	$ 302 15,000,000	$ 800,586
1982	300,000	225,000 450,000	500 13,673,587	850,700
1983	300,000	210,000 425,000	100 10,680,000	1,245,646
1984	500,000	325,000 800,000	100 22,285,000	1,467,435
1985	550,000	337,500 675,000	500 15,000,000	1,091,005
1986	296,800	222,600 445,200	300 27,599,953	1,006,821
1987	265,000	198,750 397,500	500 20,000,000	862,764
1988	485,000	363,750 727,500	3,700 25,000,000	1,324,126
1989	400,000	300,000 600,000	147 14,000,000	1,057,612
1990	300,000	225,000 375,000	1,932 28,000,000	1,094,605
1991*	502,000	376,500 627,500	2,500 18,300,000	1,519,637

PRODUCTS LIABILITY VERDICTS & RATIOS

The following section reports the total number of plaintiff verdicts and million dollar verdicts involving products liability claims from 1981 to 1991 and the percentage of million dollar verdicts to the total verdicts.

The following table cites the annual total products liability verdicts and the ratio of million dollar verdicts to each total.

PRODUCTS LIABILITY VERDICTS & RATIOS

*1991 Data is Incomplete

Year	Total Verdicts	Million $ Verdicts	% of Total
1981	235	61	26.0%
1982	314	71	22.6%
1983	379	96	25.3%
1984	347	95	27.4%
1985	305	97	31.8%
1986	264	66	25.0%
1987	264	69	26.1%
1988	214	71	33.2%
1989	325	89	27.4%
1990	320	113	35.3%
1991*	115	45	39.1%
Total	**3,082**	**873**	**28.3%**

COMMERCIAL, INDUSTRIAL, CONSUMER & TRANSPORTATION PRODUCTS VERDICTS

The data for products liability was analyzed and reported for three specific categories.

The commercial and industrial products section involved the use of any industrial machinery, tools, hoists, cranes, construction vehicles, construction and industrial equipment, scaffolds, ladders, chemicals, medical/hospital equipment, elevators and escalators, farm equipment, and power tools in a work or business environment.

Products easily accessible for personal consumption or purpose were examined in the consumer category. These products include food and beverages, clothing, medical products, pharmaceutical, contraceptives, drugs, beauty products, fitness equipment, household appliances, furniture, ladders, power tools, toys, bicycles, and sports equipment.

The data for transportation products included malfunctions or defects in the design or components of automobiles, aircraft, buses, mobile recreational vehicles, motorboats, trucks, and motorcycles.

The analysis includes a midpoint verdict, verdict average, and total number of plaintiff verdicts for each category from 1988 to 1990.

COMMERCIAL & INDUSTRIAL PRODUCTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	96	402,288	876,726
1989	172	360,314	776,854
1990	194	342,950	953,674

CONSUMER PRODUCTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	61	250,000	1,520,806
1989	87	400,000	1,481,771
1990	88	107,323	1,001,328

TRANSPORTATION PRODUCTS

Year	Verdicts Total	Midpoint Verdict	Verdict Average
1988	57	783,000	1,867,182
1989	66	666,582	1,230,167
1990	38	950,000	2,030,110

ANALYSIS OF LIABILITY TRENDS

This section of the *1992 Current Award Trends* reviews the research that was previously reported in the Current Liability Trends study. It includes an examination of plaintiff and defense verdicts to determine plaintiff recovery probabilities for specific vehicular and nonvehicular liability situations; the overall plaintiff recovery probability; and the distribution of plaintiff and defense verdicts.

DISTRIBUTION OF PLAINTIFF & DEFENSE VERDICTS

A distribution of awards identifies the percentage of the total verdicts that fall within specific verdict ranges.

1989-90 DISTRIBUTION OF VERDICTS

Verdict Range	1989	1990
$1 - 9,999	11%	10%
10,000 - 49,999	18%	15%
50,000 - 99,999	8%	8%
100,000 - 199,999	7%	7%
200,000 - 399,999	7%	6%
400,000 - 799,999	6%	5%
800,000 - 999,999	1%	1%
1,000,000 or more	5%	6%
Defense Verdicts	37%	42%

PLAINTIFF RECOVERY RATE

The overall national norm for plaintiff recovery in all liability situations presently averages 58 percent. This figure has decreased by five percentage points from 1989 and is at the lowest point since 1985.

PLAINTIFF RECOVERY 1961 - PRESENT

Year	Recovery Probability	Year	Recovery Probability
1961	61%	1976	63%
1962	61%	1977	63%
1963	61%	1978	59%
1964	59%	1979	59%
1965	59%	1980	58%
1966	59%	1981	58%
1967	60%	1982	57%
1968	60%	1983	57%
1969	60%	1984	57%
1970	60%	1985	57%
1971	61%	1986	60%
1972	61%	1987	61%
1973	61%	1988	63%
1974	63%	1989	63%
1975	63%	1990	58%

NONVEHICULAR RECOVERY PROBABILITIES

The following table identifies the plaintiff recovery probabilities for 20 nonvehicular liabilities from 1988 to 1990.

Liability	1988	1989	1990
Aircraft Passengers	65%	69%	68%
Animal-Related	68%	68%	68%
Asbestos-Related	---	69%	69%
Bad Faith	53%	62%	62%
Civil Rights	---	58%	58%
Dramshop	57%	59%	59%
False Arrest	52%	52%	52%
Government Negligence	---	65%	65%
Intentional Injury	71%	71%	71%
Libel & Slander	73%	74%	73%
Medical Malpractice	50%	48%	46%
Negligent Supervision	60%	61%	60%
Occupational Negligence	---	61%	59%
Premises Liability	51%	52%	55%
Products Liability	56%	59%	55%
Professional Malpractice	56%	55%	50%
Sports-Related	55%	58%	58%
Unusual Accidents	64%	70%	69%
Work-Related Accidents	73%	74%	76%
Wrongful Termination	58%	59%	57%

NONVEHICULAR RECOVERY PROBABILITIES

The plaintiff recovery probabilities for 12 of the 20 (60 percent) nonvehicular liability categories were above the 58 percent national norm.

Plaintiffs continue to recover most often for claims involving work-related accidents (76 percent); allegations of libel or slander (73 percent); and intentional assaults (71 percent).

Claims involving medical malpractice averaged 46 percent for plaintiff recovery, which is 12 percentage points (20.7 percent) below the national norm and a decrease of four percentage points over the past three years.

A 20-year review of plaintiff recovery probabilities for medical malpractice involving doctors as defendants, hospitals as defendants, and both as co-defendants and specific products liability was identified:

Medical Malpractice	**1970**	**1975**	**1980**	**1985**	**1990**
Doctor	51%	43%	47%	49%	42%
Hospital	62%	60%	60%	62%	60%
Doctor/Hospital	53%	46%	48%	46%	47%

Products Liability	**1970**	**1975**	**1980**	**1985**	**1990**
Consumer	54%	51%	50%	49%	48%
Food & Beverage	66%	64%	62%	62%	51%
Industrial & Commercial	62%	60%	56%	54%	59%
Medical Products	76%	74%	74%	74%	61%
Transportation	61%	60%	57%	57%	58%

VEHICULAR RECOVERY PROBABILITIES

The following table identifies the plaintiff recovery probabilities for 20 vehicular liability situations from 1988 to 1990.

Liability	1988	1989	1990
Backing Collision	39%	49%	44%
Bicycle & Vehicle	39%	39%	43%
Collision w/Object	42%	62%	59%
Disabled Vehicle	46%	46%	46%
Head-On Collision	72%	74%	74%
Intersection Collision	66%	70%	69%
Lane Change Accident	47%	48%	47%
Merging Accident	48%	48%	47%
Motorcycle & Vehicle	58%	60%	63%
Multiple Vehicle	80%	78%	74%
No Contact Accident	40%	40%	64%
Parked Vehicle Accident	63%	63%	65%
Parking Lot Accident	42%	42%	44%
Passenger Suit	68%	69%	67%
Pedestrian Suit	63%	56%	53%
Railroad Accident	60%	63%	57%
Rear-End Collision	61%	63%	60%
Snowmobile on Roadway	50%	50%	50%
Stopped Vehicle Collision	42%	47%	47%
Turning Collision	56%	56%	53%

VEHICULAR RECOVERY PROBABILITIES

Vehicular-related liability situations represented 45 percent of the reported personal injury jury verdicts in 1990. The plaintiff verdicts totaled 24.4 percent of all reported plaintiff verdicts for 1990.

Of the 20 most common liabilities analyzed in this section, eleven vehicular liabilities (55 percent) were below the 58 percent national norm for plaintiff recovery.

Head-on collisions and multiple vehicle accidents topped the list of liabilities with a 74 percent plaintiff recovery. These two liabilities averaged 16 percentage points (27.6 percent) above the national norm.

Although the probability of plaintiff recovery for bicycle and vehicle accidents increased four percentage points from 1989 to 1990, it remains the lowest percentage among all vehicular liability recovery probabilities.

Claims involving railroad accidents decreased six percentage points from 1989 to 1990. The largest increase in percentage points was no contact accidents, which increased from 40 percent to 64 percent in the past year.

Definition of Terms

Actuarial verdict value calculates the impact of a chance for a defense verdict on a plaintiff's injury value.

Adjustment factors increase or decrease the plaintiff recovery probability and/or basic injury value to reflect the influence of specific case facts.

Basic Injury Value identifies the base value of a specific injury with specific to-date medical expense and wage loss; that value may be adjusted positively or negatively by facts that would be admissible in evidence if the case were tried to a jury verdict.

Basic Injury Value Factor (BIV Factor) is a regression coefficient derived from a correlation analysis of to-date medical expense and wage loss and verdicts which have demonstrated a reliable linear relationship.

Extreme verdicts may be candidates for remittitur or reversal; to avoid artificially skewing analysis results, awards are excluded if they are identified as outlier--unusually high or low awards that distort the majority of the data.

Midpoint verdicts (medians) fall in the exact center (median) when awards are listed in ascending order.

Probability ranges include the middle 50 percent of the verdicts in an ascending list; in a normal distribution, the majority of all awards fall within this range.

Recovery rates indicate the probability of a plaintiff winning a verdict for a specific liability situation; the current national norm for plaintiff recovery in all personal injury liability situations is 58 percent.

Regression analysis identifies a straight line that best fits a linear set of data points in a scatter plot.

Standard deviation is a mathematical index of the degree to which scores deviate from the mean in a frequency distribution.

Verdict averages identify the mathematical average of all awards in a sampling.

Verdict data includes both plaintiff and defense verdicts reported to JVR by court clerks, plaintiff and defense attorneys, law clerks, and reporters from throughout the nation.

Jury Verdict Research utilizes standard statistical methods in its analysis of jury verdicts. These methods include but are not limited to the computation of median, mean, variance, standard deviation and standard score, as well as the use of correlation and regression analysis. The values, probabilities, and deviations produced are used to determine current trends among jury awards for personal injury cases. Jury Verdict Research assumes no liability for the application of its values.

Unless otherwise specified, all verdict amounts used in this study reflect unreduced awards for compensatory damages, and do not include awards for loss of services or punitive damages.

Jury Verdict Research receives nationwide assistance from clerks of courts, attorneys, and other sources. While we do not receive sufficient meaningful case information to be able to report and use all verdicts, we believe that we do receive information on most verdicts in almost all jurisdictions.